

## Message Text

SECRET

PAGE 01 GENEVA 00679 041643Z

43

ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

----- 022149

O 041610Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 425

S E C R E T GENEVA 0679

EXDIS

E.O. 11652: GDS

TAGS: PARM, PFOR, PDIP VN VS SZ

SUBJECT: CONTINGENT WITHDRAWAL STATEMENT

REF: STATE 623855

1. FOLLOWING IS DRAFT STATEMENT REQUESTED REFTEL.  
BEGIN TEXT: IT IS WITH DEEP REGRET THAT THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA HAS DECIDED TO WITHDRAW  
ITS DELEGATION FROM THE CONFERENCE OF THE REAFFIRMATION  
AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW  
APPLICABLE IN ARMED CONFLICTS. THIS ACTION HAS BEEN  
PROMPTED BY THE DECISION OF THE CONFERENCE TO INVITE  
THE SO-CALLED "PROVISIONAL REVOLUTIONARY GOVERNMENT  
OF THE REPUBLIC OF SOUTH VIETNAM" TO PARTICIPATE IN  
THE CONFERENCE. IT IS WRONG TO INVITE TO A  
CONFERENCE OF STATES AN ENTITY WHICH HAS NO BASIS IN  
FACT FOR ITS CLAIMS TO BE A GOVERNMENT AND WHICH  
DOES NOT EVEN PURPORT TO REPRESENT A STATE. NORTH  
VIETNAM HAS CREATED THE "PRG", HAS STAFFED IT WITH  
ITS OFFICIALS, AND CONTROLS IT IN EVERY RESPECT IN  
ORDER TO FURTHER ITS TERRITORIAL AMBASTIONS AT THE  
EXPENSE OF THE REPUBLIC OF VIETNAM. RECENTLY THE  
COMMUNIST MILITARY OFFICNSIVE IN SOUTH VIETNAM HAS  
BEEN INTENSIFIED--WHICH IS, OF COURSE, IN FLAGRANT  
VIOLATION OF THE JANUARY 1973 PARIS AGREEMENTS ON  
VIETNAM. THUS, THE TIMING OF THIS INVITATION IS  
PARTICULARLY UNFORTUNATE, AS IT MAY APPEAR TO BE

SECRET

SECRET

PAGE 02 GENEVA 00679 041643Z

A REWARD FOR NORTH VIETNAM'S ACTS OF AGGRESSION, AND

FOR SUCH SUCCESS AS THAT AGGRESSION HAS ACHIEVED.

2. THIS REVERSAL OF THE DECISION OF THE FIRST SESSION OF THE CONFERENCE WAS TAKEN BY A SIMPLE MAJORITY OF THE REPRESENTATIVES TO THE CONFERENCE, DESPITE THE RULES OF PROCEDURE OF THE CONFERENCE WHICH REQUIRED A DECISION BY A TWO-THIRDS MAJORITY IN ORDER TO RECONSIDER A PREVIOUSLY DECIDED QUESTION. AND IT WAS DONE ON THE BASIS OF A RESOLUTION WHICH WAS FORMULATED IN A DELIBERATELY DECEPTIVE WAY TO TRY TO DISGUISE THE FACT THAT IT HAD BUT ONE PURPOSE AND EFFECT -- TO REVERSE LAST YEAR'S DECISION CONCERNING THE "PRG". IT IS NOT TOO STRONG TO SAY THAT THE RESOLUTION MISSTATES THE FACTS AND THE ISSUE IN A FRAUDULENT MANNER. IT IS A SAD DAY WHEN AN INTERNATIONAL CONFERENCE DEVOTED TO THE IMPROVEMENT OF THE PROTECTIONS TO BE ACCORDED TO THE VICTIMS OF ARMED CONFLICTS LEADS ITSELF WILLINGLY TO AIDING AND ABETTING THE PERPETRATION OF A FRAUD. SUCH DEVELOPMENTS HAVE SINISTER IMPLICATIONS FOR THE SUBSTANTIVE WORK OF THE CONFERENCE.

3. APART FROM THIS ISSUE, THE CONFERENCE HAS NOT HAD A HISTORY THAT WILL INSPIRE CONFIDENCE IN THOSE WHO ARE INTERESTED IN THE SERIOUS DEVELOPMENT OF THE LAW AND THE IMPROVEMENT OF INTERNATIONAL HUMANITARIAN LAW. MORE THAN HALF OF ITS FIRST SESSION WAS LOST TO THE CONSIDERATION OF EXTRANEOUS POLITICAL ISSUE, AND ITS LIMITED SUBSTANTIVE WORK WAS MARRED PERHAPS FATAALLY, BY A TYPE OF POLITICAL SPECIAL PLEADING THAT WOULD SEEM INCREDIBLE IF OUR SENSES HAD NOT BECOME DULLED TO IT IN OTHER INTERNATIONAL FORUMS. THE CONFERENCE HAS INVITED THE PALESTINE LIBERATION ORGANIZATION AND VARIOUS AFRICAN LIBERATION MOVEMENTS TO BE FULL PARTICIPANTS IN THE CONFERENCE, EXCEPT FOR THE RIGHT OF VOTE. ONE OF ITS COMMITTEES DECIDED TO ADOPT A PROVISION WHICH, IF ACCEPTED, WOULD PURPORT TO MAKE THE GENEVA CONVENTIONS OF 1949 APPLICABLE TO WARS OF NATIONAL LIBERATION CONDUCTED AGAINST "COLONIAL

SECRET

SECRET

PAGE 03 GENEVA 00679 041643Z

DOMINATION, ALIEN OCCUPATION, AND RACIST REGIMES." SUCH TERMS HAVE NO PLACE IN LEGAL INSTRUMENTS, PARTICULARLY THOSE BASED ON HUMANITARIAN CONSIDERATIONS WHERE IT IS OF FUNDAMENTAL IMPORTANCE TO AVOID DISCRIMINATION ON ANY POLITICAL GROUNDS.

4. IN VIEW OF ALL OF THESE UNFORTUNATE

DEVELOPMENTS, THE INVITATION TO THE "PRG" HAS  
BURDENED THE CONFERENCE TO AN INTOLERABLE DEGREE  
IN THE VIEW OF THE GOVERNMENT OF THE UNITED  
STATES. WE RETAIN A DEEP INTEREST IN THE IMPROVEMENT  
OF THE LAW TO PROTECT VICTIMS OF ARMED CONFLICT,  
IN PARTICULAR NEW MEASURES TO IMPROVE COMPLIANCE,  
SUCH AS MORE STRINGENT REQUIREMENTS TO HAVE  
PROTECTING POWERS OR SUBSTITUTE ORGANIZATIONS TO  
OVERSEE COMPLIANCE. WE ARE ALSO INTERESTED IN  
BETTER PROVISIONS FOR PROTECTION OF CIVILIANS  
AND MEDICAL AIRCRAFT, FOR THE ACCOUNTING FOR DEATH  
AND FOR MISSION IN ACTION AND FOR THE VICTIMS OF  
CIVIL WARS. BUT WE HAVE CONCLUDED THAT THE PRESENT  
CONFERENCE IS MORE LIKELY TO DAMAGE THE PROTECTIVE  
REGIME OF THE GENEVA CONVENTIONS THAN TO IMPROVE  
IT AND THAT THE CONTINUED PRESENCE OF THE DELEGATION  
OF THE UNITED STATES WOULD NOT, IN THE ATMOSPHERE  
PREVAILING IN THE CONFERENCE, BE ABLE TO CONTRIBUTE  
ENOUGH TO THE CONFERENCE TO ENSURE A SATISFACTORY  
RESULT. ALTHOUGH WE ARE NATURALLY MOST  
RELUCTANT TO WITHDRAW FROM THE STRUGGLE WHILE  
THERE REMAINS EVEN A SLIM CHANCE FOR CONSTRUCTIVE  
RESULTS, WE BELIEVE IT IMPORTANT TO DEMONSTRATE BY  
OUR WITHDRAWAL THAT THERE ARE CERTAIN STANDARDS  
WE SHALL INSIST BE MAINTAINED IN ANY LAW-MAKING  
CONFERENCE IN WHICH WE PARTICIPATE. THIS DECISION  
IS TAKEN WITH THE DEEPEST REGRET BUT WITH A  
CONVICTION OF ITS DESIRABILITY FOR THE  
FUTURE OF INTERNATIONAL LAW. END TEXT.DALE

SECRET

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LOBBYING, LAW OF WAR, MEETING OBSERVERS, OPPOSITION TO ADMISSION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 FEB 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA00679  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750040-0734  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750275/aaaacplu.tel  
**Line Count:** 144  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION SS  
**Original Classification:** SECRET  
**Original Handling Restrictions:** EXDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** EXDIS  
**Reference:** 75 STATE 623855  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 MAY 2003 by ifshinsr>; APPROVED <15 MAY 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONTINGENT WITHDRAWAL STATEMENT  
**TAGS:** PARM, PFOR, PDIP, VN, VS, SZ, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006